

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION**

ASD SPECIALTY HEALTHCARE, INC., d/b/a	:	
ONCOLOGY SUPPLY COMPANY	:	
2801 Horace Shepard Drive	:	
Dothan, AL 36303,	:	
	:	CIVIL ACTION
Plaintiff,	:	
v.	:	NO. 1:05cv0591
	:	
ONCOLOGY & HEMATOLOGY CENTERS OF	:	
ATLANTA, P.C.	:	
465 Winn Way, Suite 231	:	
Decatur, GA 30030,	:	
	:	
and	:	
	:	
LLOYD G. GEDDES	:	
1325 Scott Boulevard	:	
Decatur, GA 30030,	:	
	:	
Defendants.	:	
	:	

REPORT OF PARTIES PLANNING MEETING

Counsel for Plaintiff ASD Specialty Healthcare, Inc., d/b/a Oncology Supply Company attempted to conduct a party planning meeting pursuant to FED. R. CIV. P. 26(f) with Defendant Lloyd G. Geddes by preparing a proposed Report, and sending it to Geddes for delivery on Monday, March 13, 2006, along with correspondence informing that he would call Geddes on Monday to discuss. During the afternoon of March 13, 2006, ASD's counsel called Geddes' office and left a message asking Geddes to call. Later that afternoon, Geddes called, but was not able to discuss the contents of the proposed Report because he had not yet reviewed the mailing. ASD's counsel asked Geddes to sign and send the Report back by the morning of March 17, 2006, if he approved of its terms and, otherwise, asked Geddes to call that week to discuss,

particularly, if there was anything in the proposed Report Geddes wanted to change. Again, on March 16, 2006, having neither heard nor received anything from Geddes, Plaintiff's counsel called Geddes' office in an attempt to confer with Geddes about the proposed Report and Geddes' initial disclosures. Geddes was not available, Plaintiff's counsel left a message asking that Geddes call him. Again, on March 17, 2006, having neither heard nor received anything from Geddes, Plaintiff's counsel called Geddes' office in an attempt to confer with Geddes. Geddes was not available, Plaintiff's counsel left a message asking that Geddes call him. Geddes has not returned these calls. Because Geddes has expressed no opposition to the proposed Report, despite repeated attempts seeking his input, Plaintiff's counsel maintains that he consents to its terms and urges the Court to enter a Scheduling Order accordingly.

1. **Pre-Discovery Disclosures.** Plaintiff has submitted the information required by Federal Rule of Civil Procedure 26(a)(1). Today, Plaintiff is moving to compel Defendant Geddes to submit his initial disclosures.

2. **Discovery Plan.** Plaintiff proposes to the court the following discovery plan:

(a) Discovery will be needed on:

All claims by Plaintiffs and all defenses by Defendants.

(b) All Discovery commenced in time to be completed by June 31, 2006.

(c) Maximum of 40 interrogatories by each party to any other party.

Responses due **30** days after service.

(d) Maximum of 40 requests for production by each party to any other party.

Responses due **30** days after service.

(e) Maximum of 20 requests for admission by each party to any other party.

Responses due **30** days after service.

(f) Each party shall be allowed to take a maximum of 5 depositions.

(g) Reports from retained experts under Rule 26(a)(2) due:

from Plaintiff by April 15, 2006.

from Defendant by May 15, 2006.

(h) Supplementations under Rule 26(e) due no later than 30 days before the close of discovery.

3. **OTHER ITEMS**

(a) Plaintiff does not request a conference with the court before entry of the scheduling order, but has no objection to participating in one should the Court deem it necessary or expeditious. .

(b) The parties request a pretrial conference in September 2006.

(c) All potentially dispositive motions should be filed by July 15, 2006.

(d) Settlement discussions have broken down. Dr. Geddes, who was making monthly payments of \$20,000, has stopped making any payments.

(e) In the event a settlement is not reached, the case should be ready for trial by October 1, 2006, and at this time is expected to take approximately one (1) day.

Respectfully submitted: March 20th, 2006.

BURR & FORMAN, LLP

By: /s/ Heath A. Fite

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and

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215-569-3007
Of Counsel

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of March, 2006, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all properly registered parties. I hereby certify that on the 20th day of March, 2006, I served the following by directing the same to their office addresses through first-class, United States mail, postage prepaid:

Raquel Gayle,
Registered Agent for OHCA
Powell Goldstein
1201 West Peachtree Street
14th Floor
Atlanta, GA 30309

Lloyd G. Geddes, Jr. MD
Oncology Hematology Centers of Atlanta, P.C.
465 Winn Way, Suite 231
Decatur, Georgia 30030

/s/ Heath A. Fite
Of Counsel